IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO: 13115 of 2005

Between:

Bala Bharathi High School, Budakurd Village, Bellampalli Mandal, Adilabad District, rep., by its Correspondent, Sri B.Ram Chander.

..... PETITIONER

AND

1 The Regional Joint Director of School Education, Warangal.
2 The District Educational Officer, Adilabad District.
3 The Mandal Educational Officer, Bellampalli Mandal, Adilabad District.
4 Chanakya Vidyaniketan High School, Budakurd Village, Bellampalli

Mandal, Adilabad District, rep., by its Correspondent M.Rajaiah

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in allowing the respondent No.4 for running a school without any valid permission or recognition as prescribed and required under the A.P. Educational Institutions (Establishment, Recognition, Administration, and control of Schools under Private Management) Rules, 1993 as illegal, arbitrary, and unconstitutional.

Counsel for the Petitioner: MR.T.SRIKANTH REDDY

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

The Court at the stage of admission made the following:

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ORDER:

This writ petition is filed by the petitioner alleging that the 4th respondent has established a School and is being run without obtaining necessary permission as required under the A.P. Educational Institutions (Establishment, Recognition, Administration, and Control of Schools under Private Management) Rules, 1993 (for brevity 'the Rules'). Hence, the said action is illegal. Therefore, the petitioner made a representation dated 10-06-2005 to the District Educational Officer, who is the second respondent herein, to take appropriate action against the 4th respondent. Though a notice, in pursuance of the complaint of the petitioner, was issued on 12-06-2005 to the 4th respondent, no further action was taken and in the process, the 4th respondent is being allowed to run the school without obtaining the necessary permission from the competent authorities under the Rules. Therefore, sought for appropriate orders.

2. Heard the learned counsel for the petitioner and the learned Government Pleader.

3. As the representation has already been made by the petitioner to the 2nd respondent on 10-06-2005, it is for the respondents 2 and 3 to see that if the 4th respondent has no permission, he could not be allowed to establish or run any School violating the provisions of the Education Act and the Rules made thereunder.

4. The respondents 2 and 3 are accordingly directed to take appropriate action in pursuance of the show cause notice dated 12-06-2005 issued by the Deputy Educational Officer, Luxettipet.

5. Accordingly, the writ petition is disposed of. No order as to costs.

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S.ANANDA REDDY, J

21st June, 2005

Note:

Furnish C.C. by tomorrow.

B/o.

SKM

To

1 The Regional Joint Director of School Education, Warangal.
2 The District Educational Officer, Adilabad District.
3 The Mandal Educational Officer, Bellampalli Mandal, Adilabad District.
4 The Correspondent M.Rajaiah, Chanakya Vidyaniketan High School,

Budakurd Village, Bellampalli Mandal, Adilabad District.

5. Two CCS to the G.P for School Education,

High Court Buildings, High Court of A.P.,

Hyderabad. (O.U.T.)

6. Two CD copies

*Form-NIC-OGS/WP{**RS**}*